



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re PATENT APPLICATION of:

SAWAZAKI et al.

Appln. No.: 09/522,832

Group Art Unit: 2815

Filed: March 10, 2000

Examiner: B. Baumeister

Title: **GROUP III NITRIDE COMPOUND SEMICONDUCTOR
LIGHT-EMITTING DEVICE**

#9

Q-4-01

T. Flaker

* * * * *

November 29, 2001

SUBMISSION OF DECLARATION

Commissioner of Patents
and Trademarks
Washington, D.C. 20231

Dear Sir:

Please enter the attached Declaration for this application.

Respectfully submitted,

PILLSBURY WINTHROP LLP

By: John P. Darling
John P. Darling
Reg. No. 44482
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ATTACHMENT

01年11月27日(火) 21時37分 宛先:

発信: 豊田合成株式会社 人事部 (平和町)

R: 095

P. 02

Nov-20-2001 16:33

From: PILLSBURY WINTHRP

T-587 P.003/008 F-004

Attorney Docket No. 257760

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SAWAZAKI et al

Group Art Unit: 2815

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LIGHT-EMITTING DEVICE

* * * * *

DECLARATION
UNDER 37 C.F.R. § 1.132

1. I, Katsuhisa Sawazaki, one of the inventors of the subject matter of the above-entitled patent application, whose business address is TOYODA GOSEI CO., LTD., 1 Nagabata, Ochiai, Haruhi-cho, Nishikasugai-gun, Aichi, Japan, make this Declaration in support of the patentability of the claims (and, accordingly, the subject matter) of the above-entitled patent application. I have been authorized by my co-inventors to speak on behalf of all of us and to present the information set forth below.

2. I have read and am familiar with the Office Action of August 29, 2001, where the Examiner rejected the claims for the above-entitled patent application. I have also read and am familiar with the Kiyoku et al. and Nakamura references that have been applied against the claims, either directly or indirectly. For these reasons, I am familiar with the rejections set forth in the August 29th Office Action.

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01年11月27日(火) 21時37分 宛先:

発信: 豊田合成 株式会社 豊田合成 (平和)

R:095

P.03

Nov-20-2001 16:33 From-PILLSBURY WINTHRP

T-887 P.004/005 F-004

U.S. Patent Appln. No. 09/522,832 - SAWAZAKI et al. - Atty. Dkt. No. 257760

3. In addition, I have read and am familiar with the amendments presented in the Amendment filed June 29, 2001 at the United States Patent and Trademark Office on September 30, 1999.

4. In further support of the patentability of claims 1 and 4-6, I present the following additional information to establish the fact that the subject matter of Figure 2 does not constitute prior art to the present application.

5. The phrases "conventional art" and "background art" were used twice and once, respectively, within the Specification of the present application on page 2, lines 14, 17 and 13 to describe an in-house technology of Toyoda Gosei that was illustrated in Figure 2.

6. Our intent in including the description of the group III nitride compound semiconductor light-emitting device of Figure 2 was to provide an explanation and representation of in-house technology which was known and used only within Toyoda Gosei.

7. The present invention, as depicted and described in Figure 1, represents an improvement over the previous, non-publicly disclosed in-house technology of Figure 2. Therefore, the conventional in-house technology of Figure 2 does not constitute prior art under 35 U.S.C. §102.

'01年11月27日 (火) 21時37分 宛先:

発信: 豊田合成株式会社 (平和町)

R: 095

P. 04

Nov-20-2001 16:33

From: PILLSBURY WINTHRP

T-587 P.005/005 F-004

U.S. Patent Appln. No. 09/522,832 -- SAWAZAKI et al. -- Atty. Dkt. No. 257760

8. Because Figure 2 includes only subject matter that was in-house technology for Toyoda Josei, it is my understanding that it would be improper and unnecessary to include a "prior art" label in the legend.

I hereby declare that all statements made herein are true and of my own knowledge and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both under 18 U.S.C. §1001, and that such willful false statements may jeopardize the validity of the application or any issuing thereon.

✓
Katsuhisa Sawazaki
Signature

✓
Nov. 27, 2001
Date

Typewritten Name: Katsuhisa Sawazaki
(of person signing)